

SOLDIERS OF THE REVOLUTION—RHODE ISLAND.

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The Continental Congress, as it appears by their resolve of February 15, 1777, approved of the act of the Rhode Island Legislature, by which the brigade of that State was raised. (See vol 2, of the Journals, page 4.) That brigade was raised as a part of the 6,000 troops, determined, by a committee from the Legislatures of the four New England States, to be necessary for the defence of that part of the country against the British army, then lately landed, and stationed at Newport, on the island of Rhode Island. It will be remembered that Congress had, by a resolve passed September 15, 1776, required of Rhode Island, as her quota of 88 battalions, to raise, equip, and send to the field, two battalions. This had been fully done by that State. It is easily seen how much more than the equal share of such an army was put on that State by that requisition: for, the population of it was less than 50,000; and that of all the States was little short of 3,000,000. Had the same quota, in proportion to their population, been assigned to each State, 110 battalions would have been raised instead of 88.

The enemy continuing at Rhode Island, the Legislature of that State did, in December, 1777, pass an act for the re-enlistment of these troops. This also was sanctioned by Congress, as appears, vol. 2, page 404, '5, '6, of the Journals.

It may be further seen by the resolves of Congress of October 13, 1778, (vol. 3, page 87, 88,) that the doings of the Rhode Island Legislature, and the support of this brigade, was approved by Congress.

In February, 1779, the Legislature of that State passed an act for the further enlistment of the troops of that brigade to serve 12 months. Congress again, on the 17th of April, of the same year, "*Resolved*, That Congress approve the raising a brigade of 1,500 men, by the State of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, to be entitled to continental pay, clothing, and subsistence, and a bounty not exceeding \$150 for every non-commissioned officer and soldier, upon condition that no further or other wages be allowed to said men by said State than is paid to other continental troops." (Vol. 3, page 253, et seq.)

It may be supposed that these troops were sufficiently rewarded by a bounty so considerable as that authorized to be given by this resolve of Congress, and that they cannot, therefore, call on the nation for any loss sustained by them in consequence of depreciation. If gentlemen will be at the pains of looking into the journals of the Continental Congress, they

will find bounties greater than this allowed to the troops of this brigade, were allowed to other troops.

The alacrity with which men sprang to arms to meet the enemy at Boston, in the spring of the year 1775, induced Congress to believe that the same army which had engaged in the service voluntarily for six or eight months, would, in the same manner, *re-enlist* for one, two, or three years, or during the war. Accordingly, Congress did, on the 10th of November, 1775, (vol. 1, page 193,) resolve that *no* bounty should be allowed for re-enlistment. In pursuance of this policy, they, on the 10th of December following, refused to allow the account of Rhode Island for bounties paid by that State to such as had re-enlisted into the service.

In place of giving bounties to soldiers, who might thereby be induced to enter the service, or to continue in it, Congress, on the 17th of January, 1776, adopted the plan of giving one dollar and one-third to recruiting officers for each man by them enlisted. The private soldier then received for his monthly pay, \$6 $\frac{2}{3}$ per month; and the officer received for enlisting him one-fourth part of that amount.

Congress continued this course of policy until the 26th of June, 1776, and few enlistments were made, during that time, for any term of service longer than one year. By a resolve of that date, Congress offered a bounty of twenty dollars to all who should enlist for *three* years. (Vol. 1, page 388.) On the 8th of October, 1776, a resolution was passed, offering a suit of clothes, of the value of \$20, annually, to each non-commissioned officer and private who should enlist for during the war. The difficulty of recruiting increased, and called for higher bounty. Congress, on the 6th of September, 1777, *Resolved*, That clothing of the value of \$47 $\frac{5}{8}$, should be delivered to each non-commissioned officer and private enlisted. (Vol. 2, page 255.) Afterwards, on the 9th of October, 1778, the bounties paid by the States, and by the United States, were offered by Congress for three years' recruits. (Vol. 3, page 84.) November 5, of the same year, Congress authorized Pennsylvania to offer a suit of clothes as a bounty. March 29, 1779, Congress *Resolved*, That Virginia and North Carolina be required to recruit for *one year*, and to give as a bounty to non-commissioned officers and privates, the sum of *two hundred dollars* each. *It will be remembered* that it was on the *17th of April* FOLLOWING, Congress resolved to permit *Rhode Island* to recruit the brigade of that State at a bounty of *one hundred and fifty dollars* to each non-commissioned officer and private for *one year*.

It is not in my power to say whether these bounties were payable in specie, or in continental currency; but I fully believe that, although that currency had greatly depreciated, yet, as it had not gone out of circulation, and, being a large nominal amount. I do fully believe that the bounties of *one hundred and fifty* given in Rhode Island, and those of *two hundred dollars* given in Virginia and North Carolina, were *understood* to be payable in continental money at its current value. Of this I am the more certain, because it was always understood that no claim was ever made by the Rhode Island brigade for any loss, by depreciation, in relation to their bounties. These bounties had not been fixed by Congress; and they accordingly rose, in nominal amount, as money depreciated: but the monthly pay had been fixed, and therefore, as money depreciated, the soldier who received the *nominal* amount only of his wages, was left unpaid in exact proportion to the depreciation of the medium in which he received such

wages. The complaint of the soldiers of this brigade, is not that they have not received their bounties, but that, by reason of depreciation, their wages have not been paid.

The committee is requested to look at the doings of the Rhode Island Legislature, presented by the delegation of that State to Congress on the 17th of April, 1779, (vol. 3, page 253,) in the form of a preamble and resolution, in the words following, to wit: "Whereas the delegates of Rhode Island and Providence Plantations have, in pursuance of a direction from said State, represented to Congress that the Legislature thereof have found it absolutely necessary to endeavor to raise a brigade of 1,500 men, officers included, for one year, for the common defence of those, and the United States, and have, accordingly, offered a bounty of £45, (equal to \$150,) the same clothing allowed continental troops, and an addition of six pounds (\$20) per month to their wages, for their better subsistence; and have requested that the same should be furnished, and defrayed by the continent: *Resolved*, That Congress approve the raising a brigade of 1,500 men, by the State of Rhode Island and Providence Plantations, for the common defence of that and the United States, for the space of one year, upon the conditions set forth in said representation; and that the bounty, pay, clothing, and subsistence of said brigade, shall be supplied and furnished at continental expense."

This resolution, after frequent debate, was finally passed *substantially* in its original form, on the 4th day of May, 1779. (Vol. 3, page 266-7.)

I have been thus particular to impress on the minds of the committee that this brigade was raised, and re-enlisted, and engaged in the service three years and three months, with the approbation of Congress: that these troops were brought into the service, and continued in it at continental expense: that Rhode Island never undertook to pay, or was liable to pay, their bounties or wages, or to furnish, and never did furnish, their subsistence or clothing.

It is erroneously stated in the memorial that the commissioners refused to allow the account of this brigade for depreciation, BECAUSE they did not come under the resolve of Congress made on the 10th of April, 1780. That resolve related only to the troops in the *line* of the army; but these, the *regular* continental troops, were *not* of the *line* of the army. That resolve had relation, in its retrospective operation, to those troops only which had been engaged for three years, and were THEN in service; but the troops of this brigade had been enlisted, for their last year, in February, 1779, and their whole term of service had expired some time before this resolution was passed by Congress. It would, of all things, be most unjust to govern their compensation by a law not made until *after* their service was rendered. Equally unjust would it have been to have rejected their claim for depreciation, *because* they did not serve *three* years under *one* enlistment. These troops, it is known, were raised to repel the invasion of the United States, made by the enemy on the island of Rhode Island, in December, 1776. It could not have been foreseen, or imagined at that time, that 5,000 troops of the enemy would have held that post, and suffered themselves to be blockaded on that island for three years. It would, therefore, have been improvident to have enlisted troops for three years, to hold them in check. This brigade was, accordingly, engaged, first, for fifteen months; and then, by two other successive engagements, continued in the service until, by the departure of the enemy from that post, there was no further need of their continuance in it. That resolve, moreover,

related to the quotas of troops furnished by each State, according to the requisitions of Congress, from time to time, made on the States, and looked forward to unfinished service, or to such as had not yet commenced. This brigade were extra troops furnished by Rhode Island, which had *already* furnished her requisite quota, being two battalions. It was an extra amount of service, furnished by that State, or by individuals of that State, for which the *United States* were bound to pay. This is a necessary consequence of the 5th article of the confederation: "All charges of the war, and all *other* expenses that shall be incurred for the *common* defence and *general* welfare, and *allowed* by the *United States* in Congress assembled, shall be defrayed out of a *common* treasury."

It will not be contended either that this service was *not* for the common defence, or that it was *not* allowed by the United States in Congress assembled. I pray the committee to look at the doings of Congress, from first to last, as I have referred to them in their journal. The *raising* of these troops was not only *allowed*, but *urged*, and *insisted upon*, by Congress. Never was service more necessary for the *common* defence. At the mouth of Narraganset bay lies the island of Rhode Island. The bay is navigable for large ships of war, 30 miles north from Newport, and up to Providence. Between the island and the main, on the east, is a ferry not 400 yards wide. On the west is the island of Canonicut, with a ferry on each side of less than one mile in breadth. The enemy encamped on Rhode Island, might, by these means, pass on the east or west to the main land in one hour, and sail up to Providence in three hours. The very *heart* of New England was thus *open* to his excursions; and, but for the army, of which Rhode Island supplied one-fourth part, those excursions might have carried fire and sword to any part of the country. The island, beautified then as it was, with groves and orchards, was swept of every thing combustible. The axe was put to the root of every tree, and these, together with every fence not built of stone, were left in ashes. At every point of the coast, on both sides of the bay, wherever a sufficient guard could not be stationed, every village and farm was pillaged. The militia was called out, times almost without number, and the whole people, for three years, might have been said to have slept every night on their arms.

For *all* these *services* and *sufferings*, Rhode Island received *nothing*. Nay, when it was moved in Congress by Colonel Hamilton of New York, and seconded by Mr. Floyd, that, in settling the share of contribution of *each* State, respectively, to the *public* Treasury, according to the 8th article of the confederation, some equitable allowance should be made in favor of such States as had, or any part of them, been in possession of the enemy, that motion was indefinitely postponed.

When the commissioners appointed by Congress, under their ordinance for settling the accounts of the several States with the United States, went into Rhode Island on that business, they were called upon by that State to allow and settle the account of this brigade for depreciation. This they were willing to do, if the Legislature of the State would *first* assume the amount of this account, and render the *State* *liable* for it, and then *charge* the *same* to the United States.* The State refused to do this, because the

* To avoid interruption, in the course of the foregoing statement, I have placed in this note the principle under which the commissioners proposed to the Legislature of Rhode Island to assume the claim of the brigade of that State, and then charge the amount to the United States. Congress, on the 17th day of August, 1779, (vol. 3, page 339,) had under

troops had been raised under the *sanction* of Congress, and Congress had *resolved* that they should be *paid* at the expense of the *United States*, and because this service, being for the *common* defence, and the *United States*, and *not* the State of Rhode Island *originally* liable for it, it was not an expenditure for which that State could, in *any* event, be made liable; and, therefore, if the *United States* were *not* liable for the payment of this amount *without* the assumption of it by the State, that assumption could not render them so. Had that State *assumed* this account, it would have been *allowed* by the commissioners, and been *funded* with other debts of the United States. It is probable some apprehension that the United States might never provide for, and pay this account, prevented the Legislature of Rhode Island from rendering that State liable for a claim which they might, ultimately, thereby be called upon to pay. The United States had contracted to pay these troops, and had paid them so far as they had been paid. The State had neither paid nor contracted to pay them. For the balance due to them, in consequence of depreciation, the United States were, therefore, alone liable, and ought, by every principle of justice, to pay it.

It has been seen, by the resolve of Congress, made after sundry amendments, and passed on the 4th day of May, 1779, (vol. 3, page 266-7,) that these troops were raised "on condition that no *further* or *other* *wages* be allowed to the *said men* by the *said State*, than what is paid to *other*

consideration "the report of the committee for making further provision for the army," and then resolved to recommend to each State, by their several Legislatures, to make such provisions for the officers and soldiers to them respectively belonging, as might seem suitable to the Legislatures of the several States. Although the Legislature of Rhode Island had never made any separate provision, during the war, for any of the officers or soldiers "to that State belonging," because the State had no *lands* to bestow, and all disposable funds were exhausted in answering her quotas of continental requisition, or in large advances (for so small a State) to the confederation over and above such quotas; yet the commissioners did believe that, by the principle of the resolve of August 17, 1779, that Legislature might *then* enact, that *making up* this depreciation was a *provision* suitable and proper "to the officers and soldiers of that brigade, to that State belonging;" and that, under such enactment, the State might *charge* this whole *extra service* to the United States; and by giving credit for *paper money payments*, at the *par value* of the currency, thereupon *claim*, and be entitled to *receive* from the United States the *balance* which would be precisely *equal* in amount to the sum *then* claimed by this brigade for losses by depreciation.

It might have been stated by those commissioners—for it was *undoubtedly true*—that Congress had fully *agreed* that the *Legislature* of each State might make such *further* provision for the officers and soldiers to such State belonging, as should be an *adequate* compensation for the many *dangers*, *losses*, and *hardships*, they had suffered: that *every State had or would* make such provision, not only for losses by depreciation, but for *all other* losses; and, by the bestowment of lands, and half pay, and extra allowances of money, as well making good the pay originally promised, as raising and rendering that pay a compensation *adequate* to the *dangers*, *losses*, and *sufferings* of the army; and that every State, making these provisions, and charging them to the United States, the commissioners of the United States *had*, or *would allow*, the account; and Congress, thereupon, would make provision for the payment thereof.

It is fully believed, by all persons in the least conversant in these subjects, that every State which *did* make such provision for the officers and soldiers belonging to such State, and did *charge* the amount thereof to the United States, have had their accounts allowed; and, whatever State did, from *mistake*, omit any part of such provision in the original account thereof, or from any other cause, not warranting a *violent* presumption that such State *waived* the right to make a charge for any part of such provision against the United States, the same was not brought into the account, and considered by the commissioners, *such State* is *warranted* in calling for the account to be opened again, and will be sustained in that call by every principle which tells us that neither *mistake* nor *fraud* can be outlawed by length of time. If provisions for their troops, made by the several States by authority of Congress, and not yet carried into effect, *do render* the nation *liable* to such States for giving them efficacy now; then, surely, the nation is *no less liable*, at this time, to *make good* the contracts providing for the mere wages of the troops of any State, originally made by Congress itself, and from causes presuming no waiver of the claim not hitherto fulfilled by national justice.

continental troops." This condition fixes the *continental* character of "*said men.*" It divides all continental troops into two parts; that is, "*said men,*" and "*other continental troops;*" and if *other* continental troops are, in fact, *continental* troops, then, in fact, are "*said men*" *continental* troops.

This condition, moreover, answers all questions concerning the *amount* of wages to be paid to "*said men,*" and *establishes* the fact that "*no further or other wages* be allowed to '*said men*' than what is paid to other continental troops."

Before the depreciation of paper money, or even the emission thereof had been effected, the wages per month of the "*other*" continental troops had been fixed, viz., on the 29th of July, 1775, (vol. 1, page 129.) The pay of commissioned officers was subsequently raised, but that of non-commissioned officers and privates was never increased at any time during the war. What then did the soldier expect from his country, when he entered the service at a price fixed for that service, when *money* was *Spanish milled dollars*, or at *par* with gold and silver? The pay for a private was \$6 $\frac{2}{3}$ per month, or 40 shillings of 16 $\frac{2}{3}$ cents each. When the continental currency was forty for one, his monthly wages, if paid to him in that currency, would equal one shilling New England currency, or 16 $\frac{2}{3}$ cents of the present money of the United States. Is there a man in the nation who *believes* men would have *entered* the army for *such* wages, or *continued* a moment in service, had they believed that, if they faithfully performed their contract with their country, that country would *pay* them in *paper* money worth not more than *one-fourth, one-tenth, or one-fortieth*, of the amount *promised* to them by that contract?

It is admitted that Congress did not, by any resolution, directly engage to make up, and pay to this brigade, their loss by depreciation. Congress did, however, resolve, by the strongest implication, that they should be paid in like manner as *other continental* troops were paid. It is known that the depreciation of the money in which they were paid, was made up by Congress to the whole continental army, in every line of it, in each State. These troops have been left unpaid; not because they did not faithfully serve; not because the service was not for the common defence; not because Congress did not contract to pay them; but because that State, already a creditor of the United States to a great amount, would not assume this amount also, and hazard the re-payment of it by the confederation.

Had Congress fixed the rate of wages, when the currency was depreciated, or resolved, before the service was rendered, that no loss by depreciation should be made *good*, the case of the soldier would have been a grievous one, but the nation might have been sustained by something like justice, though severe justice, in refusing to reimburse any losses by depreciation. When it is seen that the rate of pay was fixed, and, as it related to non-commissioned officers and privates, not altered after the 16th of June, 1775, and the first emission of paper money was not ordered until the 22d of that same June, no honest man can say that the United States are not bound to make that rate of wages *good*, by bringing the medium in which it might be paid to a *par* with gold and silver—the medium in which the contracts of service were made. It was ever the intention of Congress to place all contracts of this kind on this footing. Accordingly it was, on the 29th of February, 1780, (vol. 3, page 437,) "*Resolved*, That all grant and allowances, of *what name or nature soever*, made by Congress to the officers and soldiers of the *continental army*, in addition to their *pay*, *ra-*

tions, or bounties, since the first of January, 1777, (except for extra services, or expenses in special cases,) were made in consideration of the *enhanced* prices of the necessities of life, in *consequence* of the *depreciation* of the *paper* currency, and ought to be accordingly considered in *making good* the ORIGINAL CONTRACT."

Let the nation act up to the principle of this resolution: it is all which the Rhode Island brigade do, or can require. Let all bounties, subsistence, money, or pay advanced, be charged at the par value of the currency in which these advances were made; and let their amount be considered as *so much* towards "*making good the original contract.*"

The documents are not in my possession whereby to ascertain, with exactness, the amount which would be required to "*make good these original contracts.*" This may, however, be done with some degree of certainty, by reference to the resolves of Congress, and the history of this service, contained in the memorial already before the committee. The first enlistment was made in December, 1776, and, being for the term of fifteen months, ended in March, 1778. The committee will, at once, perceive, by the resolve of Congress, of June 28, 1780, (vol. 3, page 473,) that the currency was at par when this service commenced, December 1776, and continued to be of like value until September 1st, 1777, from which time until the 1st of March, 1778, when this first term of service ended, there was a small depreciation. It may, therefore, safely be stated that very little, in amount, can be required to make good the original contract during this first term of service.

The second term commenced the first of March, 1778, and, being for one year, ended the first of March, 1779. This brigade of three regiments was intended to amount to 1,500 men, each regiment containing officers and men, 500; but like the battalions in the line of the army, they were never full; nor, as I believe, ever amounted to more than 400 men, including officers. The average monthly pay, including officers and men, was about \$9; and, reckoning the whole brigade at 1,200, the annual amount of their wages would be \$108,000. In those times, soldiers were furnished with clothing by the United States; but the amount was deducted from their wages. If we estimate the annual value of clothing for each man, including officers, at \$25 each, the annual cost for 1,200 men will be \$30,000. Deducting this amount from their yearly pay, the balance remaining is 78,000. If the depreciation, during this term of service, be placed at two for one, there will be found due to the whole brigade, on that account, \$39,000.

The third term of service was, from March 1, 1779, to March 1, 1780. During this term, the depreciation was very rapid, and cannot be regarded as at less than twenty for one. It should be recollected that, by the resolve of Congress above quoted, April 17, 1779, (vol. 3, page 253,) these troops were to have six pounds, equal to twenty dollars per month, for their better subsistence: "Provided they had no *other* or *greater* WAGES than what was given to *other continental* troops;" that is, provided this sum be *deducted* from what was *always considered* the *original* contract, made when money was *equal* to *gold* and *silver*, and which was, as above stated, on an average of officers and men, \$9 per month. This twenty dollars, at twenty for one, was equal to one dollar per month, and reduced the remaining monthly pay to \$8 per month, and the annual pay of the whole brigade to \$96,000. If from this amount be deducted the amount of

clothing furnished at continental expense, the balance remaining is \$66,000. This being paid in continental money, at twenty for one, the real amount paid was \$3,300; and a balance was left due to the whole brigade for this last term of service, amounting to \$62,700.

If we take the resolve of Congress above quoted, and consider whatever was advanced to these men, either for *pay*, *bounty*, or *subsistence*, as so much *advanced* to them on *account*, and to be considered in *making good* the *original contract*, it is probable somewhat more will be found to be deducted from these two balances remaining due for depreciation. It may, however, be found that something is due for depreciation during the latter part of the first term of service. I do not think, after every consideration, that the sum due to this brigade for depreciation, at the time when the army accounts were settled, will vary in any great amount from the estimation here made.

From the foregoing statements and inferences, it must appear to the committee, that a brigade of from ten to fifteen hundred men served in the revolutionary war, from December 1, 1776, to March 1, 1780, in the State of Rhode Island, for the *defence* of *that State* and of the *United States*; and that, although they were *not* of the *line* of the army, yet they were *continental troops*, regularly enlisted by *order* of Congress into the service of the United States; and, by *special* resolutions, entitled, by their *original contract*, to *continental pay*; but, notwithstanding, they, with all due fidelity, served the United States according to the terms of their contract, they were paid, *not according* to that contract, but in a *currency* of a *reduced* value; and that they now have a just claim against the United States for loss sustained by them, from this depreciation, being equal to the difference between the *value* of *that money* which, *by their contract*, they were *entitled* to receive, and the *paper currency* which was, in fact, paid to them.

Whatever amount these men were entitled, on this account, to receive, they were entitled to receive at the time *when* the army accounts were settled. These men are entitled to be paid this amount, in the same manner as the United States paid other army balances found due on that settlement. These balances were, by the laws establishing the funding system, received in payment of subscriptions to the United States' loan, became thereby a part of the national debt, and have, except such portion of them as went into the three per cent. stocks, been already paid. By funding the balance found due to this brigade in like manner, the United States will suffer no loss from *accumulated* interest by delay of payment; and these claimants must charge this *diminution* of interest to the misfortune of the times, and not to the injustice of their country.

Should the committee, as it cannot for a moment be doubted they will, come to a conclusion favorable to this claim, it will give me great pleasure to confer with them, or with their chairman, concerning such details as may secure the United States, by fixing suitable and just limits to the total amount of this claim, and enable those who may be entitled to the benefit of it, to realize and receive what may be severally due to each one of them.

With the highest respect for the committee, and with entire confidence in their justice and intelligence, this statement is submitted to their candid consideration by their fellow laborer in the public service—

Their obedient servant,

TRISTAM BURGESS.